

REMARKS

Claims 1-7, 9-19, 21, 22, 24-28 and 31-39 are currently pending in the subject application and are presently under consideration. Claims 1, 21, 31 and 33 have been amended herein.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1 and 33 Under 35 U.S.C. §112

Claims 1 and 33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the amendments to claims 1 and 33, this rejection is believed to be moot and should be withdrawn.

II. Rejection of Claim 32 Under 35 U.S.C. §101

Claim 32 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection is now moot and should be withdrawn in view of the cancellation of claim 32.

III. Rejection of Claims 1-4, 9-12, 14, 18-19, 33-39 Under 35 U.S.C. §103(a)

Claims 1-4, 9-12, 14, 18-19, 33-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater *et al.* (US 6,201,996) in view of Patel (US 6,889,257). This rejection should be withdrawn for at least the following reasons. The cited references, either alone or in combination, do not teach or suggest all aspects of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must be found in the prior art and not based on the Applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The claimed invention relates to facilitating optimized data transfers between an industrial controller and one or more remote client applications. In particular, independent claim 1 recites an industrial control system, comprising a primary aggregation component associated with an industrial controller, the primary aggregation component aggregates one or more selected data items into an aggregated subset of data items, the primary aggregation component defined and installed by an entity remote from the controller; a communications component associated with the entity remote from the controller, the communications component transmits the subset of data items *via* a singular communications packet across a network and adds at least one secondary aggregation component based upon at least one of increased data demands and network protocol considerations; and a component associated with the entity remote from the industrial controller, the component receives handle information from the industrial controller relating to the selected data items *and employs the handle information as a constant numeric reference to generate an update data packet to update data locations in the industrial controller.* Independent claim 33 recites similar aspects. More particularly, for example, the invention as claimed employs the handle information as a constant numeric reference in order to mitigate the overall amount of data to be transmitted when compared to lengthy and variable length explicit tag references. Crater *et al.* and Patel do not teach or suggest such aspects.

Crater *et al.* relates to communicating among programmable controllers for operating and monitoring industrial processes and equipment. Crater *et al.* provides an object-oriented control structure that facilitates communication between an industrial controller and a remote computer. However, the reference does not address the precise way in which updating various parameters at the industrial controller occurs. Consequently, Crater *et al.* does not teach or suggest employing *handle information as a constant numeric reference to generate an update data packet to update data locations in the industrial controller*, as recited in amended independent claims 1 and 33.

Patel does not compensate for the aforementioned deficiencies of Crater *et al.* Patel relates to aggregating information at an industrial controller prior to transmission to a remote

computer. More particularly, Patel allows for analyzing various system conditions and subsequently selectively aggregating information at the industrial controller according to the system conditions. However, Patel does not further teach or suggest the subsequent modification of data locations at the industrial controller *via handle information as a constant numeric reference to generate an update data packet to update data locations in the industrial controller*, as afforded by independent claims 1 and 33.

In view of at least the foregoing, it is readily apparent that the cited references, either alone or in combination, do not teach or suggest all aspects of the subject claims. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 5-7, 13 and 15-17 Under 35 U.S.C. §103(a)

Claims 5-7, 13 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater-Patel in view of Bhatt *et al.* (US 6,097,399). This rejection should be withdrawn for at least the following reasons. The subject claims depend from independent claim 1, and as discussed *supra*, Crater *et al.* and Patel do not teach or suggest all aspects of amended independent claim 1; and Bhatt *et al.* does not make up for the deficiencies of the primary references. Therefore, this rejection should be withdrawn.

V. Rejection of Claims 21-22, 24 and 31-32 Under 35 U.S.C. §103(a)

Claims 21-22, 24 and 31-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater *et al.* (US 6,201,996) in view of Bhatt *et al.* (US 6,097,399) and in further view of Wang *et al.* (US 6,970,921). This rejection should be withdrawn for at least the following reasons. The cited references do not teach or suggest all aspects of the subject claims.

Independent claim 21 in part recites *receiving handle information from the industrial controller relating to the selected data items; and employing the handle information as a constant numeric reference to generate an update data packet to update data locations in the industrial controller*. Independent claims 31 and 32 recite similar aspects. Crater *et al.*, Bhatt *et al.* and Wang *et al.* are silent regarding such aspects set forth in the subject claims.

Amended claims 21, 31 and 32 recite similar aspects as amended independent claims 1 and 33. As noted above with respect to claims 1 and 33, Crater *et al.* does not teach or suggest *a component associated with the entity remote from the industrial controller, the component*

receives handle information from the industrial controller relating to the selected data items and employs the handle information as a constant numeric reference to generate an update data packet to update data locations in the industrial controller; and Bhatt *et al.* and Wang *et al.* do not compensate for these deficiencies. Therefore, this rejection should be withdrawn.

VI. Rejection of Claims 25-26 Under 35 U.S.C. §103(a)

Claims 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater-Bhatt-Wang in view of Patel (US 6,889,257). Claims 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater *et al.*, in view of Bhatt *et al.*, in further view of Wang *et al.*, and in further view of Patel. Withdrawal of this rejection is requested for at least the following reasons. As discussed *supra* with regard to independent claim 21, the cited references, individually or in combination, do not teach or suggest all aspects recited in the subject claims. Patel does not make up for the deficiencies of Crater *et al.*, Bhatt *et al.* and Wang *et al.* with respect to independent claim 21 (from which claims 25 and 26 depend from). Thus, it is respectfully submitted that this rejection be withdrawn.

VII. Rejection of Claims 27-28 Under 35 U.S.C. §103(a)

Claims 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater-Bhatt-Wang in view of McCoskey (US 2003/0028889). This rejection should be withdrawn for at least the following reasons. The cited references, either alone or in combination, do not teach or suggest all aspects of the subject claims. As discussed *supra* with regard to independent claim 21, the cited references, individually or in combination, do not teach or suggest all aspects recited in the subject claims. McCoskey does not make up for the deficiencies of Crater *et al.*, Bhatt *et al.* and Wang *et al.* with respect to independent claim 21 (from which claims 25 and 26 depend from). Thus, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP284US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TURCY & CALVIN, LLP

/Himanshu S. Amin/ _____

Himanshu S. Amin

Reg. No. 40,894

AMIN, TURCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731